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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JAMES A. WIRTH,

12 Petitioner,

13 v.

14 SUPERIOR COURT, COUNTY OF
15 SACRAMENTO,

16 Respondent.

No. 2:20-cv-2213 JAM AC P

ORDER

17 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas
18 corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate
19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On December 22, 2020, the magistrate judge filed findings and recommendations herein
21 which were served on petitioner and which contained notice to petitioner that any objections to
22 the findings and recommendations were to be filed within twenty-one days. ECF No. 8.
23 Petitioner has filed objections to the findings and recommendations. ECF No. 9.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
25 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
26 court finds the findings and recommendations to be supported by the record and by proper
27 analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed December 22, 2020, ECF No. 8, are adopted in full;
2. This action is dismissed without prejudice as second or successive; and
3. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

DATED: January 27, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE